

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1861 - SB 1807

March 5, 2011

SUMMARY OF BILL: Specifies that a party subjected to a frivolous appeal from a court of record may recover attorney's fees and filing costs as part of recoverable expenses in responding to the appeal.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumption:

- Tenn. Code Ann. § 27-1-122 currently authorizes recovery of damages in responding to a frivolous appeal, including court costs, interest on the judgment, and expenses. The existing language authorizes recovery of attorney's fees as well. *Bursack v. Wilson*, 982 S.W.2d 341 (Tenn. Ct. App. 1998). This bill therefore does not change current law or practice.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "James W. White".

James W. White, Executive Director

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